IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 1920 of 2005(C)

AGAINST THE ORDER DATED 20/12/04 IN EP.539/2000 IN OS.118/1999 of I ADDL.M.C.,TRIVANDRUM

.....

PETITIONER:

SUKUMARAN NAIR, S/O.NARAYANA PILLAI,
T.C.15/6842, VAYALIL PUTHEN VEEDU,
PALOTTUKONAM, EDAPPAZHANJI,
THIRUVANANTHAPURAM.

BY ADV. SRI.VPK.PANICKER

RESPONDENT:

SYAMALA DEVI, D/O.DEVAKI AMMA,
SYAM NIVAS, T.C.41/1918,
MANACAUD THIRUVANANTHAPURAM.

BY ADV. SRI.B.SATHIQ
SRI.R.S.MADHU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.1920/05

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF EP.539/2000 IN O.S.118/99 OF MUNSIFF'S COURT, THIRUVANANTHAPURAM, DT.14.11.2000.

EXT.P2 – TRUE COPY OF OBJECTIONS SUBMITTED BY PETR. DT.5.6.01 TO RULE 66 NOTICE IN EP.539/2000 IN DO. DO.

EXT.P3 – TRUE COPY OF ORDER DT.21.1.02 IN EP.539/2000 IN DO. DO.

EXT.P4 – TRUE COPY OF ORDER DT.20.12.04 IN DO. DO.

PIUS C. KURIAKOSE, J.

.....

W.P.(C)No.1920 OF 2005

.....

DATED THIS THE 8th AUGUST, 2007

J U D G M E N T

In view of the subsequent event of substantial portions of the decree-debt being paid by the petitioner-judgment-debtor, I am of the view that it is not necessary that the merits of the grounds raised against the impugned order be examined by this Court. The circumstance that the petitioner is no more also, in my opinion, need not deter this Court from disposing of this Writ Petition.

The Writ Petition is disposed of directing that the order of stay presently passed will continue for another four months from today. Mr.V.P.K.Panicker, counsel for the petitioner would submit that the legal heirs of the petitioner have already been informed about the pendency of this case. The legal heirs of the deceased petitioner will seek their impleadment before the court below and the court below will pass appropriate orders on the application for impleadment, once the same is filed by them. It is open to the legal heirs of the deceased petitioner to avail the benefit of the stay order which is being continued as directed above and to sort out the issue with the decree-holder in the meanwhile.

(PIUS C.KURIAKOSE, JUDGE)

tgl